

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

AVAYA INC.,  
Plaintiff,

v.

RAYMOND BRADLEY PEARCE, *et al.*,  
Defendants.

Case No. [19-cv-00565-SI](#)

**ORDER RE: PLAINTIFF'S  
ADMINISTRATIVE MOTION TO SEAL**

Re: Dkt. No. 128

On October 4, 2019, plaintiff filed an administrative motion to file under seal a number of exhibits in support of plaintiff's supplemental opposition to defendants' motions to dismiss. Dkt. No. 128. All of the exhibits have been designated as "Highly Confidential – Attorneys' Eyes Only" by the DBSI defendants.<sup>1</sup> Pursuant to Civil Local Rule 79-5(e)(1), "[w]ithin 4 days of the filing of the Administrative Motion to File Under Seal, the Designating Party must file a declaration as required by subsection 79-5(d)(1)(A) establishing that all of the designated material is sealable." The DBSI defendants have not filed the required declaration.

The Court directs the DBSI defendants to file a declaration no later than **October 17, 2019**, demonstrating why the exhibits or portions of exhibits should be filed under seal. Where a party seeks to seal documents attached to a non-dispositive motion, a showing of "good cause" under Federal Rule of Civil Procedure 26(c) is required. *Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1179-80 (9th Cir. 2006); *see also* Fed. R. Civ. P. 26(c). To show good cause, the moving party must make a "particularized showing" that "specific harm or prejudice will result if the information is disclosed." *Kamakana*, 447 F.3d at 1179-80. "Reference to a stipulation or protective

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<sup>1</sup> The DBSI defendants are defendants Jason Hines, DBSI LLC, and US Voice & Data, LLC.

1 order that allows a party to designate certain documents as confidential is not sufficient to establish  
2 that a document, or portions thereof, are sealable.” Civ. L.R. 79-5(d)(1)(A). In addition, all requests  
3 to file under seal “must be narrowly tailored,” such that only sealable information is sought to be  
4 redacted from public access. Civ. L.R. 79-5(b).

5  
6 **IT IS SO ORDERED.**

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8 Dated: October 15, 2019



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SUSAN ILLSTON  
United States District Judge